



DECLARATION OF REISSUE APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated herein below my name. I believe that I am the original, first and joint inventor of the invention described and claimed in U.S. Letters Patent No. 5,995,852 issued November 30, 1999, for which invention I solicited a patent in application Serial No. 08/571,650 filed December 13, 1995, and that I have reviewed and understand the contents of the specification, including the claims; that the subject matter of the original claims and of the claims set forth in amendments made in this Reissue application, which was filed on November 30, 2001 as application serial number 09/998,426, was invented before I filed my original application on which the foregoing U.S. Letters Patent No. 5,995,852 issued for such invention; that I do not know and do not believe that said invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year before my application, or in public use or on sale in the United States more than one year before the date of application, that my invention has not been patented in any foreign country before the date of my application

on an application filed by myself or my legal representative or assigns more than twelve months prior to my application in the United States, and has not been abandoned.

That U.S. Patent No. 5,995,852 is wholly or partly inoperative or invalid by reason of my claiming less than what I had a right to claim in said patent. Specifically, the insufficiency in the claims is based on my not claiming a communication terminal with a function to inform a received call by an alert sound including an alert sound generator configured to generate an alert sound when the received call is received, a first operation key configured to operate a predetermined operation and a controller, wherein the controller measures a time period of depressing said first operation key when said first operation key is depressed while the received call is being received and controls a state of the alert sound generator when the time period of depressing said first operation key is shorter than a predetermined time period, and operates said predetermined operation when the time period of depressing said first operation key is longer than a predetermined time period. The predetermined operation may be an operation of disconnecting a power supply of the communication terminal. The controller may control the state of the alert sound generator such that the alert sound is one of stopped and reduced in volume. The

communication terminal may further include a communication circuit configured to communicate with a second party and a second operation key configured to enable a conversation with the second party wherein said controller controls the communication circuit so as to communicate with said second party when the second operation key is depressed while the controller is controlling the state of the alert sound generator.

In the specification originally filed, an embodiment is disclosed wherein "in the case where the user depresses the power key 3A for one second or more in state ST3 where an alert sound is being generated, the operation shifts to state ST2." State ST2 is a state in which a power supply is cut off. Further, "the user may depress the power key 3A for a time shorter than one second in the state ST3" and "[B]y such an operation, the CPU 7 performs control to turn off the alert on/off controller 12 to only stop generation of the alert sound." In addition, "when the user wishes to start conversation in the duration of stopping the alert sound, the user may depress the send key 3C so as to shift the state from state ST5 to the state ST4 to thereby make it possible to start conversation." (Column 3, lines 25-49)

The above-described error was not discovered until the claims were reviewed in connection with the issuance of U.S. Letter Patent No. 5,995,852, when it was found that the claims as

issued do not incorporate this feature. This discovery took place in October, 2001.

The foregoing error in my patent and every error in my patent that is corrected in the present reissue application arose without any deceptive intention on my part.

I acknowledge my duty to disclose information of which I am
aware that is material to the examination of this application and I acknowledge my duty to disclose information according to Rule 1.56 (37 CFR 1.56).

I hereby appoint Jay H. Maioli, Reg. No. 27,213 whose post office address is 1185 Avenue of the Americas, New York, NY 10036, or his duly appointed associates, my attorneys with full power of substituting and revocation to prosecute this application, to make alternations and amendments therein, to file Continuation and Divisional applications thereof, to receive the Reissued patent, and to transact all business in the Patent and Trademark Office in connection therewith.

I hereby specify that communications concerning this Reissue application are to be directed to the following correspondence address:

Jay H. Maioli, Esq.
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code, and that such willful false statements may jeopardize the validity of this application or any Reissue patent issuing thereon.

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